
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jared Goyette, Craig Lassig, Katie
Nelson, Tannen Maury, Stephen
Maturen, Edward Ou, Timothy Evans,
Chris Tuite, and The Communications
Workers of America,
*On behalf of themselves and other
similarly situated individuals,*

Ct. File No. 20-cv-01302
(WMW/DTS)

Plaintiffs,

v.

City of Minneapolis; Minneapolis
Chief of Police Medaria Arradondo *in
his individual and official capacity;*
Minneapolis Police Lieutenant Robert
Kroll, *in his individual and official
capacity;* Minnesota Department of
Public Safety Commissioner John
Harrington, *in his individual and official
capacity;* Minnesota State Patrol
Colonel Matthew Langer, *in his
individual and official capacity;*
Minnesota State Patrol Major Joseph
Dwyer, *in his individual capacity;*
Hennepin County Sheriff David
Hutchinson, *in his individual and official
capacity;* John Does 1-10, *in their
individual and official capacities;*

**DECLARATION OF
HEATHER ROBERTSON
IN SUPPORT OF
CITY DEFENDANTS'
MOTION FOR
SUMMARY JUDGMENT**

Defendants.

Your Declarant is Heather P. Robertson, and she submits the following declaration on behalf of the Defendants City of Minneapolis and former Minneapolis Chief of Police Medaria Arradondo in his official capacity ("City Defendants"):

1. I am an Assistant City Attorney with the Minneapolis City Attorney's Office. I am one of the attorneys assigned to represent the City Defendants. I submit this declaration in support of their Motion for Summary Judgment.

2. Attached as Exhibit 1 is a true and correct copy of Written Testimony of now-retired City of Minneapolis Police Commander Scott Gerlicher's written testimony for the Minnesota Senate's Joint Transportation and Judiciary and Public Safety Committee's "Review of Lawlessness and Government Responses to Minnesota's 2020 Riots."

3. Attached as Exhibit 2 is a true and correct copy of an email sent by retired City of Minneapolis Chief of Police Medaria Arradondo's ("Chief Arradondo") on May 27, 2020 regarding demonstrations at the Third Precinct on May 26, 2020.

4. Attached as Exhibit 3 and filed under seal is a true and correct excerpt from an Incident Detail Report capturing some police activity responding to protests on May 26, 2020. Redactions have been made of personal information of 911 callers.

5. Attached as Exhibit 4 is a true and correct copy of Exhibit 1 to the deposition of Jared Goyette in the matter of *Linda Tirado v. City of Minneapolis, et al.*, United States District Court for the District of Minnesota, Case Number 20-CV-01338 ("Tirado lawsuit").

6. Attached as Exhibit 5 is a true and correct copy of Chief Arradondo's written request for assistance from the Minnesota National Guard to Minnesota Department of Public Safety Commissioner John Harrington ("Commissioner Harrington").

7. Attached as Exhibits 6 and 7 are true and correct copies of videos posted by Max Nesterak on Twitter at the website referenced in footnote 23 of Plaintiff's Complaint. (ECF 227 at 20 n.23.)

8. Attached as Exhibit 8 is a true and correct copy of a video posted by Max Nesterak on Twitter at the following web address: <https://twitter.com/maxnesterak/status/1265903943923597312> which was located by visiting the website referenced in Paragraph 7 above and clicking on one of the posts.

9. Attached as Exhibit 9 is a true and correct copy of a news video broadcast by Australia 9 – News on May 28, 2020, a copy of which was publicly filed in *Ethan Marks v. Benjamin Bauer*, 20-CV-1913 (ADM/JFD) (ECF 103 ¶ 4 & 103-2.)

10. Attached as Exhibit 10 and filed under seal is a true and correct copy of a photograph produced by Plaintiffs, bates number Plaintiffs001842.

11. Attached as Exhibit 11 and filed under seal is a true and correct excerpt from an Incident Detail Report capturing some police activity responding to protests on May 28, 2020. Redactions have been made of personal information of 911 callers, vehicles, or suspects.

12. Attached as Exhibit 12 is a true and correct copy of relevant portions of the deposition transcript of Minneapolis Police Officer Samantha Belcourt ("Officer Belcourt"), taken on May 24, 2022, in *Jamal Samaha, et al. v. The City of Minneapolis, et al.*, United States District Court for the District of Minnesota, Case Number 20-CV-01715.

13. Attached as Exhibit 13 and filed under seal is a true and correct copy of the Supplementary Report of Officer Belcourt in report number 2020-143877 regarding events on May 28, 2020.

14. Attached as Exhibit 14 is a true and correct screenshot of a Twitter post at the website referenced in footnote 46 of Plaintiff's Complaint. (ECF 227 at 32 n.46.)

15. Attached as Exhibit 15 is a true and correct copy of a video found in a news article at the website referenced in footnote 47 of Plaintiff's Complaint. (ECF 227 at 33 n.47.)

16. Attached as Exhibit 16 and filed under seal is a true and correct copy of a video produced by Plaintiffs, bates number Plaintiffs002175.

17. Attached as Exhibit 17 and filed under seal is a true and correct copy of a video produced by Plaintiffs, bates number Plaintiffs002176.

18. Attached as Exhibit 18 and filed under seal is a true and correct copy of a video produced by Plaintiffs, bates number Plaintiffs000320.

19. Attached as Exhibit 19 is a true and correct copy of a video segment from the New York Times Website at <https://www.nytimes.com/video/us/100000007162707/minneapolis-police-protest-burn.html> of video regarding the fall of the MPD Third Precinct on May 28, 2020, attributed to Plaintiff Katie Nelson along with other reporters, bates number .MPLS007404.

20. Attached as Exhibit 20 and filed under seal is a true and correct copy of some Minneapolis Police Officer Report Supplemental Reports from report 2020-143467 regarding events on May 28, 2020.

21. Attached as Exhibit 21 is a true and correct copy of a video produced by Plaintiffs of the arrest of CNN reporter Omar Jimenez by Minnesota State Patrol, bates number Plaintiffs000374.

22. Attached as Exhibit 22 is a true and correct copy of the May 29, 2020 curfew order issued by Governor Walz.

23. Attached as Exhibit 23 is a true and correct copy of the May 29, 2020 curfew order issued by Mayor Frey.

24. Attached as Exhibit 24 is a true and correct redacted copy of select portions of 30(b)(6) deposition transcript taken in the Tirado lawsuit on March 22, 2022.

25. Attached as Exhibit 25 is a true and correct copy of select portions of deposition testimony of Andrew Braun taken on October 12, 2021, in the Tirado lawsuit.

26. Attached as Exhibit 26 and filed under seal is a true and correct copy of the Supplementary Report of Officer Joshua Rick in report number 2020-145598 regarding events on May 29, 2020.

27. Attached as Exhibit 27 is a true and correct copy of a video recording of a press conference on May 30, 2020, given by Governor Walz.

28. Attached as Exhibit 28 and filed under seal is a true and correct copy of video introduced by Plaintiffs as Exhibit 14 at the Preliminary Injunction Hearing in this matter on July 28, 2021.

29. Attached as Exhibit 29 is a true and correct copy of a video of reporting by Ryan Raiche produced by Plaintiffs, bates number Plaintiffs000354.

30. Attached as Exhibit 30 is a true and correct copy of a video produced by Plaintiffs of the arrest of Tom Aviles by the Minnesota State Patrol, bates number Plaintiffs000376.

31. Attached as Exhibit 31 is a true and correct copy of a video found in a news article referenced at the website in footnote 32 of Plaintiff's Complaint. (ECF 227 at 24 n.32.)

32. Attached as Exhibit 32 is a true and correct redacted copy of Hennepin County Sheriff's Office Incident Report 20006275 from May 30, 2020 which was obtained in redacted form via Public Data Request from the Hennepin County Sheriff's Office.

33. Attached as Exhibit 33 is a true and correct copy of an email to the Minneapolis Police Public Information Officer John Elder ("PIO Elder") from Reuters sent on May 31, 2020 at 12:56 a.m. Central Daylight Time.

34. Attached as Exhibit 34 is a true and correct copy of a news article published by Reuters on May 31, 2020 and accessed at the website referenced by Plaintiffs at footnote 33 of their Complaint. (ECF 227 at 25 n.33.)

35. Attached as Exhibit 35 is a true and correct copy of an email to Mayor Frey and Chief Arradondo, among others, from Reuters' General Counsel sent on May 31, 2020 at 1:44 p.m. Central Daylight Time.

36. Attached as Exhibit 36 is an email from MPD Assistant Chief Mike Kjos to Chief Arradondo and Mayor Frey sent on May 31, 2020 at 1:49 p.m. Central Daylight Time.

37. Attached as Exhibit 37 and filed under seal is a true and correct redacted copy of an Investigative Summary prepared by Sergeant Patrick McCarver ("Sergeant McCarver"), bates number .MPLS006698.

38. Attached as Exhibit 38 and filed under seal is a true and correct copy of the Supplementary Report of Officer Andrew Bittell in report number 2020-146501 regarding events on May 30, 2020.

39. Attached as Exhibit 39 and filed under seal is a true and correct copy of a Complaint brought to the attention of PIO Elder via email on June 2, 2020 and forwarded to Minneapolis Office of Police Conduct Review ("OPCR") that same day, bates number .MPLS006686.

40. Attached as Exhibit 40 and filed under seal is a true and correct redacted copy of an OPCR Review Panel Recommendation, bates number .MPLS006692.

41. Attached as Exhibit 41 and filed under seal is a true and correct redacted copy of Chief Arradondo's discipline memorandum, bates number .MPLS006713.

42. Attached as Exhibit 42 and filed under seal is a true and correct redacted copy of an Investigative Summary prepared by Sergeant McCarver, bates number .MPLS007376.

43. Attached as Exhibit 43 and filed under seal is a true and correct copy of a video produced by Plaintiffs, bates number Plaintiffs000157.

44. Attached as Exhibit 44 is a true and correct copy of a video posted by Michael George on Twitter at the website referenced in footnote 29 of Plaintiff's Complaint. (ECF 227 at 24 n.29.)

45. Attached as Exhibit 45 is a true and correct copy of a news report by Susan Ormiston of the Canadian Broadcasting Company on May 30, 2020, which is the same video that was referenced at the website in footnote 37 in Plaintiff's Complaint, however the link in the Complaint no longer works. (ECF 227 at 26 n.37.)

46. Attached as Exhibit 46 is a true and correct copy of MPD's Policy and Procedure Manual Chapter 9-202.

47. Attached as Exhibit 47 is a true and correct copy of MPD's Policy and Procedure Manual Chapter 6-200.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Signed in Ramsey County, Minnesota.

Dated: December 5, 2022

/s Heather P. Robertson
Heather P. Robertson
